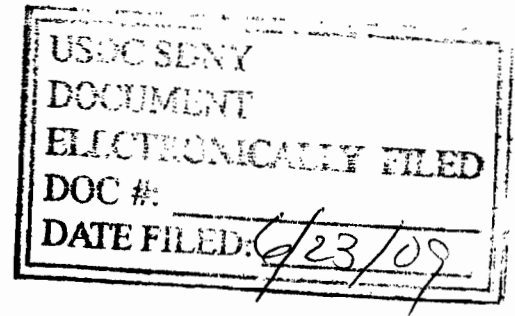


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
AHMED KHALFAN GHAILANI,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Respondent.
-----X

ORDER

09 Civ 3551 (SAS)

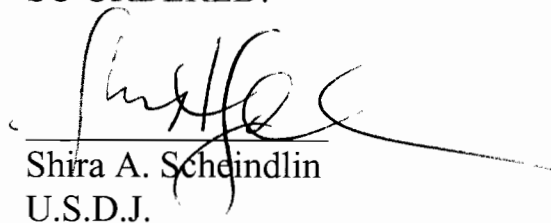
SHIRA A. SCHEINDLIN, U.S.D.J.:

On March 9, 2009, Petitioner Ahmed Khalfan Ghailani filed a petition for a writ of habeas corpus pursuant to Section 2241 of Title 28 of the United States Code. Ghailani protested his detention at the U.S. Naval Station Guantanamo Bay, Cuba, as well as his prior "secret incarceration." He requested relief including dismissal of the pending indictment against him and an order directing his immediate release from custody.

Subsequent to the filing of his petition, the United States Government transferred Ghailani to the Metropolitan Correctional Center in New York City. On June 9, 2009, Chief Judge Loretta A. Preska arraigned Ghailani. Criminal proceedings have now commenced before Judge Lewis A. Kaplan. The core relief

sought by Ghailani – to be brought before an Article III court to address the indictment against him – is now moot. The remainder of the relief he seeks is properly addressed in the context of his criminal case, rather than in a collateral habeas proceeding. Ghailani's petition for a writ of habeas corpus is therefore denied. The Clerk of the Court is directed to close this case.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
June 23, 2009

- Appearances -

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